



# Department of Pesticide Regulation



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## **Inyo/Mono County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report**

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## **Performance Evaluation of the Inyo/Mono County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides a performance evaluation of Inyo/Mono County Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) program for the fiscal year 2006/2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan, as well as the program's adherence to the Department of Pesticide Regulation (DPR) standard as described in the Pesticide Use Enforcement Standards Compendium.

### **I. Summary Report of Core Program Elements**

Throughout the fiscal year, I evaluated the core areas of Inyo/Mono County's pesticide enforcement program: restricted materials permitting, compliance monitoring, and enforcement response. The report findings are based on field observations, review of county records, interviews of relevant staff, and an evaluation of the pesticide use and illness investigations for the fiscal year 2006/2007.

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards and work plan goals.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards and work plan goals.

### **Summary Statement:**

The Inyo/Mono County Agricultural Commissioner's pesticide use program is currently effective, and the Mill Assessment Fund Project is progressing as proposed.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance**

The biologist of the Inyo/Mono County Agricultural Commissioner's office that issues restricted materials permits is experienced and knowledgeable of pesticide laws and regulations. Inyo/Mono County's pesticide use enforcement biologist possesses a Pesticide Regulation License.

The biologist interviews each restricted materials permit applicant to determine if the applicant has met the requirements to hold a restricted materials permit and is the operator of the property. If the applicant is not the operator of the property, a letter of authorization is required to be in the applicant's possession prior to the issuance of the permit.

Inyo/Mono County recently began using the Restricted Materials Management System (RMMS) to issue permits. The program checks the permit being issued to verify no fields have been left incomplete. Aerial and grower's maps are used to help evaluate the surrounding environment and identify sensitive sites, such as, schools, residential areas, waterways, and parks. Restricted materials permits are amended in person. When a permit is amended it is entered into the RMMS program, a new permit is printed, signed and attached to the original permit.

The Inyo/Mono CAC only issues restricted materials permits for a one-year period. Approximately 45 restricted materials permits and 36 Operator I.D.s were issued in 2007.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants
- Signed by the operator of the property or authorized persons
- Issued for a one year time period
- Permit amendments follow approved procedures

## **2) Site Evaluation**

The CAC staff adequately evaluated permits and determined if practical mitigation measures could be implemented, or if the use of feasible alternatives was required. Prior to approving the use of a restricted material on a permit, the biologist issuing the restricted materials permit reviews permit conditions that apply to the pesticides on the permit, and conditions the permit accordingly. Aerial and growers maps are used to identify sensitive sites.

The permits:

- Contained the necessary information
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses
- Identified mitigation measures and included conditions that addressed known hazards

The biologist reviewed all notices of intent in a timely manner, and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections. Notices of intent (NOI) are received by fax, telephone and office walk-ins. All NOIs are reviewed by the licensed pesticide enforcement biologist that checks the NOI against the permit. The biologist has the authority to accept or deny NOIs, and the property operator and pest control business are notified, when a NOI is denied. A denial form is completed and filed in the property operator's restricted materials permit file. Thirty-four NOIs were reviewed and processed in 2006/2007.

## **B) Compliance Monitoring:**

### **1) Inspections**

The biologist that performs inspections possesses a Pesticide Regulation License and attended training sessions in 2006/2007 that included, structural, and restricted materials permit training.

The biologist conducting pesticide use inspections issues a violation notice for any criteria item marked “No” on the inspection form. When worker safety non-compliances are found during an inspection, the biologist conducts a headquarters/employee safety inspection, and any follow-up inspections required. The Deputy Agricultural Commissioner also reviews the compliance history for the firm/person inspected. The Deputy Agricultural Commissioner is responsible for preparing the case file and Notice of Proposed Action.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements
- Include interviews of employers and employees
- Adequately document violations
- Include appropriate follow-up inspections and procedures

### **2) Investigations**

The CAC investigates all complaints and completes the reports in a timely manner. The CAC refers and/or notifies DPR and other agencies as required. A complaint log is maintained and made available to the liaison for review.

Investigations are thorough, complete, submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully proceed with legal action when warranted.

## **C) Enforcement Response:**

When non-compliances are found during inspections and investigations, the Inyo/Mono County pesticide enforcement biologist issues violation notices, and clerical staff enter the information into a database. The biologist reviews the compliance history of each respondent, and utilizes the pesticide enforcement response regulations to determine if an enforcement action is warranted.

When enforcement actions are not taken, a decision report is written listing the violations found, classification, and a compliance history for the respondent along with an explanation.

Inyo/Mono has issued 1 agricultural civil penalty in fiscal year 2006/2007.

The CAC enforcement program was found to:

- Initiate the appropriate action when violations are identified
- Sufficiently support compliance, enforcement and public protection actions

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when implementing civil penalties.

### **III. Recommended Corrective Actions**

No corrective actions are currently needed.

### **IV. Non-Core and Desirable Activities**

#### **A) Outreach and Training**

The Inyo/Mono CAC provides outreach materials in compliance with pesticide laws and regulations and worker safety to restricted material permittees. The Inyo/Mono County Agricultural Commissioner's office also provides an annual continuing education course. The course includes information on pesticide safety, restricted materials permits, elements of an application inspection, integrated pest management, and updates on pesticide laws and regulations.

#### **B) Mill Assessment Fund Project**

On November 29, 2006, Inyo/Mono County Agricultural Commissioner's office received approval for their Residual Mill Assessment Fund Project Proposal. The project approval allowed for the creation of a new Agricultural Biologist position, and the purchase of an additional vehicle for use by the new inspector. A new vehicle was purchased at the end of the 2006/2007 fiscal year. The new biologist has obtained his Pesticide Regulation License, and is scheduled to begin his duties on July 1, 2007.